

REMARKS/ARGUMENTS

In the specification, paragraphs on pages 2, 3, 14, 17 and 19 have been amended to correct minor editorial problems.

Claims 1-12 and 14-17 are pending in this application. Claim 13 has been canceled.

Independent claim 1, and claims 4, 11 and 17 depending from it, were rejected for anticipation by Sagstetter (5,219,333).

Claim 1 has been amended by combining it with dependent claim 13, which has been canceled.

In response to the previous species election requirement, applicants elected the species of Figs. 4-9 (species I) and stated that claims 2-5, 11 and 17 read on the elected species.

This statement was in error, in that claim 13 should be part of the elected species, because it also reads on Figs. 8 and 9.

The species election requirement of February 7, 2006 required election amongst several species, and applicants elected "Species I drawn to Figures 4 to 9" as stated on page 2 of the species election requirement.

The paragraph bridging pages 12 and 13 of the application as originally filed refers to Figs. 8 and 9 and states in relevant parts:

The end cap 28 has an opening 281 formed therethrough along the axis, and a plurality of deformable protrusions 282 which extend radially and inwardly into the opening 281 and which are angularly displaced from one another so as to be adapted to hold the collection vial 5 by frictional engagement therewith along the axis.

Claim 13, which has been incorporated in amended claim 1, recited in relevant parts "... deformable protrusions which are disposed on said inner barrel wall surface of said larger-diameter wall portion proximate to said rear open end and which extend radially and inwardly so as to be adapted to hold the collection vial by virtue of frictional engagement along

the axis". Claim 13, and the correspondingly amended part of claim 1, read directly on Fig. 9 and, indeed, use language that is in part copied from the paragraph bridging pages 12 and 13 of the application where Fig. 9 is discussed. Thus, claim 13 reads on the elected species of Figs. 4-9 and, therefore, is properly part of the elected species.

In view thereof, combining claim 1 with claim 13 is appropriate because claim 13 (now canceled) belongs to the elected species I. Claim 1, as amended, therefore continues to read on the elected species.

A medical collection device with deformable protrusions on the inner surface of the barrel which extend radially inwardly, as now set forth in amended claim 1, provides a stable attachment for the collection vial 5 to barrel 2 so that the collection vial can be inserted into the collection device and be retained by the deformable protrusions 282 before the needle cannula 41 is inserted into the patient's vein, which results in a more convenient and efficient operation of the collection device. A possible swaying of the collecting vial 5 during use of the collection device, that is, during injection, is thereby also prevented, which helps minimize the discomfort caused the patient.

The Sagstetter patent over which claim 1 was rejected for anticipation does not disclose, indeed contains no hint or suggestion, to fit the barrel end remote from the cannula with a plurality of deformable protrusions capable of holding the collection vial. This is also true for the other references of record herein.

Accordingly, amended claim 1 is not anticipated by Sagstetter.

At least claims 2-4, 11 and 17 of species I are directed to specific features of the present invention which are independently patentable. These claims are further allowable because they depend from allowable parent claim 1.

Claims 1-4, 11 and 17 of species I are therefore allowable, and a corresponding notification at an early date is requested.

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Amendment
Reply to Office Action of April 7, 2006

PATENT

CONCLUSION

In view of the foregoing, applicants submit that this application is in condition for allowance, and a formal notification to that effect at an early date is requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (415) 273-4730 (direct dial).

Respectfully submitted,



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